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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

VIA HAND DELIVERY

Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, SW
TW-A325
Washington, D.C. 20554

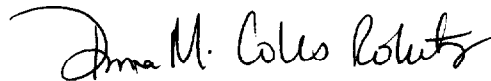
Re: Comments of Telecommunications for the Deaf, Inc.; MM Docket No. 99-360

Dear Ms. Salas:

Enclosed for filing in the above referenced docket please find an original and six (6) copies of the Comments of Telecommunications for the Deaf, Inc.

Please acknowledge receipt by date stamping the enclosed extra copy of this filing and returning it to me in the envelope provided. If you have any questions regarding this filing please contact me at (202) 295-8301.

Sincerely,



Donna M. Coles Roberts

Enclosures

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Before the
Federal Communications Commission
Washington, D.C. 20554

MAR 27 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Public Interest Obligations)

Of TV Broadcast Licensees)

MM Docket No. 99-360

**COMMENTS OF
TELECOMMUNICATIONS FOR THE DEAF, INC.**

Telecommunications for the Deaf, Inc. ("TDI"), by its counsel, hereby submits its comments in response to the Federal Communications Commission's (Commission's) Notice of Inquiry in the above-referenced docket.¹

I. INTRODUCTION

TDI is a national advocacy organization actively engaged in addressing issues of equal access to telecommunications and media for persons who are deaf, hard of hearing, late deafened and deaf-blind. TDI believes that equal access to telecommunications services, equipment and technology ensures that persons with disabilities have the same educational and employment opportunities as other Americans. Only by ensuring such equal access will society benefit from the skills and talents of persons with disabilities.

TDI applauds the Commission's efforts to ensure that all Americans, including those who are deaf, late deafened, hard-of-hearing and deaf-blind, benefit from the rapid technological advancements in today's fast-paced telecommunications marketplace. TDI is also encouraged by the Commission's desire to make sure that the needs of the

¹ In the Matter of Public Interest Obligations of TV Broadcast Licensees, *Notice of Inquiry*, MM Docket 99-360 (rel. Dec. 20, 1999) (*Notice of Inquiry*)

disabled community are given due consideration, even as rapid technological advances provide new and exciting business opportunities for service providers.

TDI wishes to take this opportunity to emphasize the importance of this proceeding to the deaf and hard of hearing community. Lack of efficient and cost effective closed captioning is terribly frustrating. Even if deaf persons know that an emergency is occurring, they must often rely on a hearing family member or friend, if one is nearby, to convey the emergency news as it occurs. Frequently, the deaf person must wait until the next closed captioned televised news program airs to receive important news and emergency information. This frustration intersects all areas of life, often causing deaf and hard of hearing persons to walk through life one step behind the rest of the community.

Individuals who are deaf, hard of hearing, or late deafened are unable to fully enjoy certain programming with their children because so many shows are not captioned. Any such individual must often wait until the end of the day to learn about breaking news such as unusual weather reports, significant jury verdicts, missing persons reports and other urgent information because so many noon and early afternoon news programs are not captioned. Additionally, the process of simply discovering which programs are captioned and which ones are not is extremely frustrating in and of itself.

These frustrations and others like them are intricately woven into the day to day life of every disabled American. It is thus urgent that the Commission ensure that the technological capabilities offered by new technologies such as digital television (DTV)

are used to maximize the ability of disabled persons to benefit from technological innovation to the same extent as any other American.

As acknowledged by the Commission in its Notice of Inquiry, section 336(d) of the Telecommunications Act requires that DTV licensees serve the public interest, convenience and necessity.² In issuing the implementing regulations pursuant to section 336, the Commission affirmed DTV broadcasters' public interest obligations stating, "digital broadcasters remain public trustees with a responsibility to serve the public interest."³ TDI provides these comments against this backdrop, encouraging the Commission to continue to proactively ensure that as broadcasters in their efforts for transition to DTV, they remain mindful of their continuing obligation to serve the public interest, including the interests of persons with disabilities.

II. SPECIFIC AREAS OF INQUIRY

A. Ancillary And Supplementary Services

The Commission has asked for comments on whether a licensee's public interest obligations should apply to any ancillary and supplementary services it provides.⁴

² See *Notice of Inquiry* at p. 3 (noting that section 336(d) of the Act directing the Commission to grant new DTV licenses to existing broadcasters states that "[n]othing in this section shall be construed as relieving a television broadcasting station from its obligation to serve the public interest, convenience and necessity.")

³ Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, MM Docket No. 87-268, *Fifth Report and Order*, 12 FCC Rcd 12809-21811 (1977).

⁴ See *Notice of Inquiry* at p. 13.

Ancillary and supplementary services are defined as services other than free, over the air services. TDI believes that DTV broadcasters' public interest obligations should extend to these types of services. If a DTV broadcaster chooses to offer certain ancillary supplemental services, it must do so consistent with its obligation to serve the public interest. Allowing a DTV broadcaster to offer certain services only to a portion of the community would not serve the public interest because it would disenfranchise an entire segment of the population. The Commission should ensure that disabled persons have equal access to the same ancillary and supplemental services as the rest of the population.

TDI believes that the Commission should prohibit DTV broadcasters that provide ancillary and supplementary services from impinging on the 9600 baud bandwidth currently set aside for closed captioning. This is important in instances where, for example, an emergency warning is crawling across the television screen at the same time as a program is being captioned. Impingement on the 9600 baud bandwidth interferes with the captioning so that only the emergency information is visible to the viewer. This interferes with the ability to view the television programming and the emergency information simultaneously, thus resulting in a deaf person's inability to enjoy the services on the same basis as a non-disabled person.

B. Emergency Services

One of a broadcaster's basic obligations is to provide emergency information to warn viewers about impending disasters and related emergency events.⁵ The Commission has asked for information regarding the unique needs of deaf and hard of

⁵ See *Notice of Inquiry* at p. 8-10.

persons as it concerns access to these types of warnings. TDI believes that it is especially important for the Commission to require DTV broadcasters to be sensitive to the needs of disabled persons in terms of access to disaster warnings and related events.

As the Commission recognized in the *Notice of Inquiry*, technological advances, including digital technology, may allow a broadcaster to more readily fulfill its obligation to air emergency information.⁶ TDI believes that the full range of DTV capabilities should be explored to ensure that broadcasters implement digital technology in a way that accounts for the special needs of the disabled in emergency situations. For example, the Commission notes that digital technology allows specific households to be pinpointed for specific purposes.⁷ So, in emergency situations, homes of deaf, hard of hearing and late-deafened persons could be pinpointed to receive emergency signals via blinking lights, vibrations and/or audio alerting them to the need to tune into a certain station for a captioned emergency announcement.

Similarly, the homes of deaf-blind persons can be pinpointed by vibrating means to receive emergency messages via use of a Braille device. The Braille device could receive the emergency message via infrared transmission or other means from the television to the device.

⁶ See *Notice of Inquiry* at p. 8.

⁷ See *Notice of Inquiry* at p. 10.

The deaf-blind user could then access the information using the Braille device. Ensuring that options such as these are fully explored is a crucial part of ensuring that DTV broadcasters serve the public interest.

C. Public Information File

The Commission has asked whether DTV broadcasters' public interest files should contain information identifying programs that are closed captioned or which contain video descriptions.⁸ TDI believes that they should. Further, TDI believes the Commission should require DTV broadcasters to, as part of their responsibility to keep the public informed, post this information on their Web sites.

The Commission should also ensure that DTV broadcasters design and maintain their Web sites in a matter that meets the W3C standards to assure full accessibility.⁹ Broadcasters can also make chat rooms or list serves available for on-line discussions and to disseminate information to the disabled community. These types of services can be uploaded to a Web site with minimal effort and can be periodically updated to include information of special interest to disabled persons. The practice of allowing disabled persons to interact in this way also provides station management with a reliable mechanism by which to gauge whether or not their station's policies and practices are being adequately responsive to the disabled community as a whole.

⁸ *Notice of Inquiry* at p. 9.

⁹ The W3C standards set minimum standards for making Web sites accessible to persons with disabilities.

D. Enhancing Access

The Commission has asked for comments on the means by which DTV broadcasters can take advantage of digital technology to enhance disabled persons' access to media outlets.¹⁰ TDI believes that DTV offers several exciting capabilities in this regard. For example, DTV allows broadcasters to provide several different programs, which could make video description more widely available. TDI also believes that the public interest obligation of DTV broadcasters requires that they take reasonable steps to ensure that deaf and hard of hearing persons can readily participate in the discourse of public opinion, political debates and other similar programming. This requirement ensures that disabled persons can participate fully in public debates, thus increasing language capacity and vocabulary bases, as well as maintaining independence and enjoying full integration in the community.

E. Equipment Considerations

The Commission should work with equipment manufacturers to ensure that modifications in audio channels, decoders and other equipment provide the most efficient, inexpensive and innovative capabilities for disability access. TDI urges the Commission to avoid the situation where millions of dollars are invested to introduce a service or technology that enhances disabled access to the media, only to discover later that the same result could have been accomplished using significantly less resources.

An example of this unfortunate set of circumstances occurred when, in the early 1990's, deaf persons spent upwards of \$300.00 each for a decoder that was connected to

¹⁰ *Notice of Inquiry* at p. 11.

the television set to provide the ability to view closed captioning. Just a short time later, thanks to federal legislation, television set manufacturers began to install closed captioning chips inside television sets at a cost of about \$5.00 per chip. Research early on into technological capabilities could have averted this unfortunate waste of resources.

Future wasted investments can be avoided by encouraging equipment manufactures, academic professionals and persons with disabilities to meet with the Commission's Office of Engineering and Technology to assess technological developments *as they occur*. In this way, all persons and groups that are directly affected by new technologies can provide meaningful and timely input regarding the ways in which they can be used to meet the needs of the disabled community.

TDI also believes that the Commission should require DTV broadcasters to explore new digital technologies to expand access to services to persons with disabilities, such as offering text options for material presented orally and audio options for material presented visually. An example of this is the scenario where Braille descriptions are inserted between actual audio dialogue so blind persons can understand what is happening on the screen when there is neither dialogue nor easily recognizable sound.

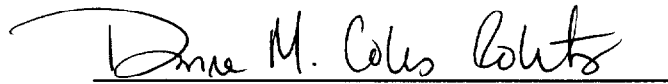
III. CONCLUSION

Advances in technology, including digital technology, are occurring at an extremely rapid pace. All too often, however, research into the ways in which technological advances can be adapted to meet the needs of disabled persons lags far behind. TDI believes it is crucial that research and development into the ways new

technologies can ensure that disabled persons have equal access to media outlets must be conducted *at the same time* as the technological advances take place.

TDI is thus encouraged by the Commission's inquiry into the public interest obligations of DTV broadcasters, and urges the Commission to continue to ensure that the needs of the disabled community are given due consideration, even as rapid technological advances provide new and exciting opportunities for the broadcasters that serve them.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Donna M. Coles Roberts", is written over a horizontal line.

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